Employees in the Stamp Manufactory.

107 ❋ **MR. K. MAHOMED** (*Alwaye*): Will the Government be pleased to state :

(*a*) the total number of employees in the Stamp Manufacturing Department ; and

(*b*) of these, how many are Muslims and how many non-Muslims?

RAO BAHADUR A. RENGASWAMI AIYAR (*Financial Secretary to Government*) : (*a*) 48.

(*b*) Muslims Nil.

Non-muslims— 48.

MR. K. MAHOMED (*Alwaye*) : Out of these 48 persons, may I know the reason why not even one Muslim at least is appointed ?

RAO BAHADUR A. RENGASWAMI AIYAR (*Financial Secretary to Government*) : I understand there have been no applications from Muslims for posts in this office.

MR. M. SIVATANU PILLAI (*Tovala*) : Out of these 48, will the Government be pleased to give one post at least to a Vellala ?

PRESIDENT : Questions of that nature are not at all permissible as supplementary questions. It is not eliciting information, but it is making a suggestion.

The Kuruppumthara Rape case.

108 ❋**MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*) : Will the Government be pleased to state :

(*a*) whether they are aware of the decision in the Kuruppumthara Rape Case passed by the Kottayam Sessions Judge ;

(*b*) the names of the Police Officers who were deputed for prosecuting this case before the committing Magistrate ;

(*c*) the names of the defence Vakils engaged by the accused or appointed by the Sessions Judge to defend the accused before the Sessions Judge ; and

(*d*) whether the Government or the Police Department has taken any action for preferring a criminal revision petition or appea from the decision of the Sessions Judge ?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*) : (*a*) Yes.

(*b*) Prosecuting Inspector, Mr. M. M. George, assisted by Head Constable, Madhavan Nair (No. 1010).

(*c*) Mr. Thomas Varghese, retired Sirkar Vakil, appointed by the Sessions Judge.

(*d*) Yes.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the Government whether Mr. Thomas Varghese referred to in the answer is a pensioned Sirkar Vakil ?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*) : Yes, Sir.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether it is a correct procedure for a pensioned officer to appear against the Government ?

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MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): As a retired officer, he is free to appear.

PRESIDENT: Retired officers enter into politics. Do they not, Mr. Velayudhan Pillai? Then, why not they take up cases?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) This is not politics, Sir.

May I know the reasons which weighed with the District Judge in making this appointment?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): The Judge must be asked about the reasons that weighed with him.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the parties applied to the District Judge to appoint Mr. Thomas Varghese as their Vakil?

PRESIDENT: You want to know whether the District Judge made the appointment of his own accord or whether the parties made the suggestion?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Yes, Sir.

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): Government are not aware.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Do the Judicial Officers follow any principle in the matter of appointing Vakils to conduct Crown defence?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): It is again not a matter for the Government to answer, but for the Judges concerned.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I cannot understand the member, Sir. I am putting questions to the Government, and not to Mr. Pitchu Aiyangar.

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): Sir, Vakils for the Crown defence are appointed by Judicial officers in the exercise of the discretion vested in them by Law. Government cannot therefore say what principle they follow in making such appointments.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government whether the Judicial Officers follow any principle in making these appointments?

MR. R PITCHU AIYANGAR (*Ag. Commissioner of Police*): Certainly, they must be following some principle.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): What is that principle?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): Government are not aware.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Then, may I take it that it was mere presumption on the part of the official member when he answered that they must be following some principle?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): It is a matter of reasonable understanding; not presumption.

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MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Understanding between—

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): Understanding on the part of the Government.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Sir, I am not able to understand the member.

PRESIDENT: The Honourable Member who gives you the answer thinks it a matter of reasonable understanding to give you that answer.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): My question was whether the Judicial Officers were following any principle in making these appointments?

PRESIDENT: He has already answered that the Government were not aware of such principle, since the Judicial officers had their own rules of procedure.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the date of the decision on this case?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): I claim notice.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): My question definitely says:—

> "(*d*) whether the Government or the Police Department has taken any action for preferring a criminal revision petition or appeal from the decision of the Sessions Judge"

So, it pointedly relates to the date of the decision.

PRESIDENT: How is the date important after the appeal has been filed? If the appeal had not been filed, then the date of the decision may be asked with a view to ascertain whether the time for appeal has expired or not.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Has any appeal been preferred?

MR. R, PITCHU AIYANGAR (*Ag. Commissioner of Police*): The matter has been referred to the Head Sirkar Vakil; it is now pending with him.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Now that we have been informed that appeal has not been preferred, I want to know the date of the decision.

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): Sir, the judgment is a public document the honourable member can ascertain the date from that.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Is it a public document, Sir?

MR. R PITCHU AIYANGAR (*Ag. Commissioner of Police*): Interested parties can get copies of the judgment if they want.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Has the judgment been published anywhere so that any member of this House can go through it and ascertain its date?

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PRESIDENT: What the official member understands by 'public document' is that if a person applies for a copy of it he can get it not public in the sense that it is available to the members of this House.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Has it been finally decided to prefer an appeal?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): The matter has been referred to the Head Sirkar Vakil to see whether there are grounds for an appeal?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): How long is it since it was referred to the Head Sirkar Vakil?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): About a month.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Are the Government sure that the time allowed for preferring the appeal has not expired?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): I am not sure, because I do not remember the date.

MR. V. K. VELAPPAN NAIR (*Vaikam*): Is Mr. Thomas Varghese related to the present Chief Justice?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): He is his brother.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the accuseds were prevented by the District Judge from engaging their own Vakil to defend them?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): No.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): Is it the policy of the Government to interfere in matters of discretion vested with Judicial Officers? Have the Government ever interfered in the appointment of Vakils for Crown defence?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): No, Sir.

MR. R. SAMBASIVA AIYAR (*Kunnatnad I*): In the matter of appointing Vakils for Crown defence, is there any principle other than that the Vakil should be one practising before the Court?

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): Government are not aware.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I beg to submit one point for the consideration of the Chair, Sir. In answer to a question by Mr. T. P. Velayudhan Pillai, the Commissioner said that the Sessions Judge must be asked. If the Government member is not in a position to give the information asked for, he should either claim notice or say that he has no information. Is it fair to ask the honourable member who puts the question to go and put the question to the Sessions Judge concerned or to some one else to get the information he wants?

PRESIDENT: That is neither the correct procedure nor etiquette.

The Kallara market.

109. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether there is any proposal to shift the Kallara market from its present site to any other site; and

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